

Schedule B

PAUL J. FISHMAN  
United States Attorney  
By: Jennifer Davenport  
Assistant United States Attorney  
402 E. State Street, Rm. 430  
Trenton, New Jersey 08608  
(609) 989-2190

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Hon. Mary L. Cooper

v.

Criminal No. 11-45 (MLC)

CURTIS BURNS

**CONSENT JUDGMENT**

## INTRODUCTION AND PRELIMINARY

ORDER OF FORFEITURE

This matter having been opened to the Court by Paul J. Fishman, United States Attorney for the District of New Jersey, (Assistant United States Attorney Jennifer Davenport, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant Curtis Burns, (Lisa Van Hoeck, Esq., appearing) having consented to the request; and the Court having found that:

WHEREAS, in accordance with the Plea Agreement filed on or about January 28, 2011, entered into between the United States of America and defendant Curtis Burns, in the above matter, the defendant, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), has agreed to forfeit to the United States the following property, hereinafter referred to as the "Forfeited Firearm and

Ammunition":

- (a) Colt Combat Commander .45 caliber firearm, bearing serial number 70BS22484;
- (b) 33 rounds of .45 caliber ammunition;
- (c) one round of 9 mm ammunition;
- (d) two seven-round magazines for a .45 caliber firearm; and
- (e) one 11-round magazine for a .45 caliber firearm.

**WHEREAS**, defendant, Curtis Burns, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

**WHEREAS**, defendant, Curtis Burns, has agreed not to contest the forfeiture of the above referenced property; and

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the Forfeited Firearm and Ammunition pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure; and

**WHEREAS**, defendant Curtis Burns has waived and abandoned all right, title and interest in the Forfeited Firearm and Ammunition; and defendant Curtis Burns has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Firearm and Ammunition, and waived and released any claim that defendant might otherwise have made

to that property in the future; and

**WHEREAS**, defendant Curtis Burns having consented to the destruction of the Forfeited Firearm and Ammunition; and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED AND DECREED**:

1. That the Forfeited Firearm and Ammunition, specifically:

(a) Colt Combat Commander .45 caliber firearm, bearing serial number 70BS22484;

(b) 33 rounds of .45 caliber ammunition;

(c) one round of 9 mm ammunition;

(d) two seven-round magazines for a .45 caliber firearm; and

(e) one 11-round magazine for a .45 caliber firearm.

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Firearm and Ammunition in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Firearm and Ammunition must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the

petitioner's alleged interest in the Forfeited Firearm and Ammunition; (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's right or interest in the Forfeited Firearm and Ammunition and any additional facts supporting the petitioner's claim and the relief sought;

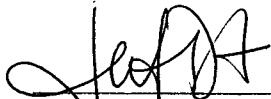
4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Firearm and Ammunition that is the subject of this Consent Judgment and Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Firearm and Ammunition.

ORDERED this 31<sup>st</sup> day of January, 2011.

Mary L. Cooper  
HONORABLE MARY L. COOPER  
United States District Judge

PAUL J. FISHMAN  
UNITED STATES ATTORNEY

  
By: Jennifer Davenport  
Assistant U.S. Attorney  
DATE: 1/31/11

Lisa Van Hoeck  
Lisa Van Hoeck, Esq.  
Counsel for the Defendant  
DATE: Jan 31, 2011  
Curtis Burns  
Curtis Burns  
Defendant  
DATE: